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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,734	01/22/2001	Thomas Mikalsen	YOR9-2000-0680US1(8728-45	1301

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EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2126

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,734

Applicant(s)

MIKALSEN ET AL.

Examiner

VAN H NGUYEN

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-49 are presented for examination.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **San Andre et al.** (U.S.5,956,489) in view of **Bowman-Amuah** (U.S.6,640,244 B1).
4. As to claim 1, San Andre teaches the invention substantially as claimed including a method for grouping at least two diverse operations (col.9, lines 6-31), comprising the steps of:
  - initiating a context grouping the operations (col.9, lines 6-17), wherein the group is one of at least two messaging operations, or at least one messaging operation and at least one transactional operation (col.3, lines 35-38 and col.9, lines 53-65);

- performing the operations within the context, each operation resulting in an outcome (col.3, lines 25-38 and col.9, lines 21-31);

- determining an overall outcome based on a combination of the outcomes for each operation; and taking at least one action dependent on the overall outcome (col.2, lines 53-64; col.17, lines 10-17; and col.19, lines 43-58).

San Andre, however, is silent on combining the outcomes.

Bowman-Amuah teaches combining the outcomes (col.302, lines 20-30).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Bowman-Amuah with San Andre because Bowman-Amuah's teaching would have provided the enhanced capability for ensuring that all operational servers within the service group contain consistent service content data.

5. As to claim 2, San Andre teaches terminating the context upon taking the action (col. 18, lines 38-56).

6. As to claim 3, San Andre teaches each operation is supported by an object (fig.7 and associated text).

7. As to claim 4, San Andre teaches the outcome of each messaging operation is independent of other messaging operation outcomes (col.17 lines 10-17).

8. As to claim 5, San Andre teaches the outcome of a messaging operation is independent of a transactional operation outcome (col.24, lines 46-65).

9. As to claim 6, San Andre teaches an operation is one of a synchronous invocation on a transactional resource and a conditional asynchronous message between at least two messaging components (col.27, lines 19-26).

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10. As to claim 7, San Andre teaches the synchronous invocation occurs in at least one transaction (col.27, lines 19-26).

11. As to claim 8, San Andre teaches the asynchronous message results in an outcome, the outcome defined by a condition associated to a corresponding operation (col.26, line 67-col.26, line 2).

12. As to claim 9, San Andre teaches grouping the synchronous invocation in the transaction and the conditional asynchronous message (col.24, lines 46-65).

13. As to claim 10, San Andre teaches interpreting each outcome as one of a success and a failure (col.19, lines 43-45 and col.27, line 55-col.28, line 5).

14. As to claim 11, San Andre teaches interpreting the overall group outcome as one of a success and a failure (col.3, lines 35-44 and col.19, lines 43-45).

1. As to claim 12, San Andre teaches evaluating the overall group outcome as a failure if at least one individual operation is interpreted as a failure (col.3, lines 35-44 and col. 32, line 66-col.33, line 5).

16 As to claim 13, San Andre teaches the action is one of a predefined action, an automatically invoked action, and a performed action (col.14, lines 55-61).

17. As to claim 14, San Andre teaches the action taken upon determining the overall outcome to be a failure further comprises the step of undoing an operation (col. 27, lines 60-64).

18. As to claim 15, San Andre teaches the action taken upon determining the overall outcome to be a failure further comprises the step of compensating for an operation (col.19, lines 43-45 and col.27 and col.27, lines 6-18).

19. As to claims 16-17, they are directed to a program storage device for implementing the method of claims 1-2, and are similarly rejected under the same rationale.
20. As to claim 18, San Andre teaches creating a representation of the context according to a defined data structure; and filling the representation with values that; identify the group context (fig.4 and associated text).
21. As to claim 19, refer to claim 3 above for rejection.
22. As to claim 20, San Andre teaches the object is one of a transactional resource and a messaging component.
23. As to claim 21, refer to claim 6 above for rejection.
24. As to claim 22, San Andre teaches the synchronous invocation occurs in at least one transaction (col.3, lines 35-38 and col.9, lines 53-65).
25. As to claim 23, San Andre teaches the asynchronous message results in an outcome, the outcome defined by a condition associated a corresponding operation (col.3, lines 24-34).
26. As to claim 24, San Andre teaches grouping the synchronous invocation in the transaction and the conditional message (col.24, lines 46-65).
27. As to claims 25-30, refer to claims 10-15 above for rejection.
28. As to claims 31-32, refer to claims 4-5 above for rejection.
29. As to claims 33-34, they include the same subject matter as in claims 1-2, and are similarly rejected under the same rationale.
30. As to claim 35, refer to claim 18 above for rejection.
31. As to claims 36-42, refer to claims 6-12 above for rejection.

32. As to claim 43, San Andre the action is, among other things, a compensation (col.19, lines 25-35 and col.24, lines 46-57).
33. As to claim 44, San Andre the action, among other things, an update (col.3, lines 25-35; col.9, lines 25-31).
34. As to claims 45-46, refer to claims 14-15 above for rejection.
35. As to claim 47, San Andre managing the group includes, among other things, achieving a defined property of the software system (col.17, line 64-col.18, line 9).
36. As to claims 48-49, refer to claims 4-5 above for rejection.

### ***Response to Arguments***

37. Applicant's arguments filed March 10, 2004 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VHN

  
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